IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 18707 of 1998

Between:

M/s Venkateswara Industries Limited, Rep. by its Managing Director,
K.Srihari, Gooty, Ananthapur District.

..... PETITIONER

AND

1 A.P. State Electricity Board, through its Member Secretary,
at Vidyut Soudha, Somajiguda, Hyderabad.
2 The Chief Engineer, Electricity, A.P.State Electricity Board,
Cuddapah zone at Cuddapah.
3 The Superintending Engineer, Assessments,
A.P.State Electricity Board, Cuddapah.
4 The Superintending Engineer, Operation,
A.P.State Electricity Board, Ananthapur.
5 The Assistant Divisional Engineer (DPE),
A.P.State Electricity Board, Ananthapur.
6 The Assistant Divisional Engineer, Operation,
Gooty, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the proceedings in Appeal No.A 95/98-ATP communicated in Lr.No.CE/CZ/CDP/C & P/221/A.95-98-ATP/2614/98 dt. 25-5-98 on the file of the 2nd Respondent and the proceedings dt.
31-3-98 in Procgs. No.SE/A/CDP/FAO/D/F.5197-98/D.No. 967/98 on the file of the Third Respondent, as ilelgal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondents : SMT.M.VINOBHA DEVI

The Court made the following :

O R D E R :

Heard the learned counsel for the petitioner and Sri N.Subba Reddy, senior counsel for Smt. M.Vinobha Devi, standing counsel appearing on behalf of the respondents.

The petitioner, which is an industry, seeks to assail the impugned orders dated 25.05.1998 of the second respondent dismissing the appeal and confirming the proceedings dated 31.03.1998 of the third respondent, in respect of the assessment made in regard to the pilferage of energy alleged to have been made by the petitioner. In this case, the respondents-authorities inspected the premises of the petitioner on 24.12.1997 and found that the meter box flass and the meter glass was found broken; seals of CT chamber and incoming, out going terminals were found missing; meter was found stuck up. Alleging pilferage of energy, a show-cause notice was issued to the petitioner, to which he submitted explanation. However, the same was not found favour and the primary authority assessed the amount at Rs. 24,56,856/-. The said provisional assessment was drastically reduced at the time of final assessment by the final authority at Rs. 6,87,530/-. On appeal, the appellate authority further went down in reducing the amount to Rs. 3,32,453/-.

Considering the submissions made on either side and on perusal of the material, having regard to the findings of fact as arrived at by both the authorities which is based on report of the inspecting authority and other material, it is not open for this Court to reassess the same or to come to any different conclusion in exercise of powers conferred under Article 226 of the Constitution of India. Further, having regard

to the benefit which has already been given by the respondents-authorities themselves to a greater extent, it does not warrant any interference by this Court.

The Writ Petition is, accordingly, dismissed. No costs.

(B.Prakash Rao,J.)

20.01.2005

DRK

Copy to:

1 The Member Secretary, A.P. State Electricity Board,
Vidyut Soudha, Somajiguda, Hyderabad.
2 The Chief Engineer, Electricity, A.P.State Electricity Board,
Cuddapah zone at Cuddapah.
3 The Superintending Engineer, Assessments,
A.P.State Electricity Board, Cuddapah.
4 The Superintending Engineer, Operation,
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A.P.State Electricity Board, Ananthapur.
6 The Assistant Divisional Engineer, Operation,
Gooty, Ananthapur District.

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THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 17541 of 1998

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